

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMPERSAND PUBLISHING, LLC d/b/a  
SANTA BARBARA NEWS-PRESS

and

Cases 31-CA-132040  
31-CA-135595

GRAPHIC COMMUNICATIONS CONFERENCE,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

ORDER<sup>1</sup>

The Employer's petition to revoke subpoena duces tecum B-1-JEU05N is denied as untimely. Section 11(1) of the Act and Sections 102.31 (b) and 102.111 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena here was served on October 17, 2014. Thus, the petition, which was filed October 27, 2014, is untimely.<sup>2</sup>

Moreover, even assuming that the petition was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>3</sup> See

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Member Miscimarra concurs in the denial of the petition to revoke because it was untimely and he does not reach or join in the other grounds set forth in this order.

<sup>3</sup> We find no merit in the Employer's assertion that the Union's organizing efforts violated the First Amendment and that all subsequent charges are therefore moot. In *Ampersand Publishing v. NLRB*, 702 F.3d 51, 58 (D.C. Cir. 2012), denying enf. 357

generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 18, 2015

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

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NLRB No. 51 (2011), the court's finding that certain protests by unit employees principally concerned the First Amendment interest of editorial control did not affect the Union's certification as the employees' collective-bargaining representative or the Employer's obligation to bargain with the Union.